

IN THE CIRCUIT COURT OF ALCORN COUNTY, MISSISSIPPI

PAM JOHNSTON

PLAINTIFF

VS.

CAUSE NO. CV2021-101KMA

MYQUAD; QUAD/GRAPHICS PRINTING CORPORATION;
AND DEFENDANTS A, B AND C

DEFENDANTS

COMPLAINT

COMES NOW, Pam Johnston, Plaintiff (Pam), and files this her Complaint against myQuad; Quad/Graphics Printing Corporation; and Defendants A, B and C, (Defendants), and as basis therefor would respectfully show unto the Court as follows:

JURISDICTION

I.

Pam is an adult resident citizen of Alcorn County, Mississippi and is the widow of Rickey Leo Johnston who departed this life on August 31, 2019, also an adult resident citizen of Alcorn County, Mississippi .

II.

Defendant myQuad; Quad/Graphics Printing Corporation, is a non-resident profit corporation, organized , chartered and existing in the State of Delaware who at all times pertinent to this Complaint was qualified to and was doing business within the State of Mississippi operating at a facility located in Corinth, Alcorn County, Mississippi and Quebecor World. Said corporation previously operated under various names including World Color (USA) Corp. Said deceased was an employee of World Color until he became disabled as hereinafter set forth.

ALCORN COUNTY

FILED

APR 26 2021

CRYSTAL STARLING, CIRCUIT CLERK
BY Shirley M. Cantrell DC

II.

Fictitious Defendants A, B, and C are those Defendants whose names are unknown at this time, but who may be liable to Plaintiff for the benefits claimed herein whose specific names will be supplied once ascertained.

IV.

Based upon the above facts, this Court has jurisdiction of the parties and the subject matter involved and according to applicable law as well as the Certificate of Withdrawal filed with the Secretary of State's office, Defendant, myQuad, has appointed the Secretary of State of the State of Mississippi as its registered agent for service of process in this cause. (A copy of the Certificate of Withdrawal is attached hereto and incorporated herein by reference as Exhibit "A").

FACTUAL BACKGROUND

V.

Said deceased was a long time employee of the various industries that were located at the Harper Road address in Alcorn County, Mississippi. There were several names that that industry used including Quebecor World, World Color all successors to Defendants herein. While employed at World Color/Quebecor World, said deceased became disabled to work on or about February 23, 2005. Defendants and their predecessors offered certain benefits to their employees including Own Occupation Total Disability insurance and Life Insurance and other such benefits. One of the benefits

that said deceased took advantage of was Own Occupation Total Disability and said deceased began receiving benefits for total disability shortly after he became disabled as set forth above.

VI.

In addition, one of the benefits offered by his employer was life insurance some of which was provided by the employer and some of which was offered as an option for the employee to obtain additional coverage through payroll deduction. The various plans are set forth in a policy procured by the employer, but which had separate enrollment for each employee. One of the plans allowed the employee to purchase additional life insurance above that provided by the employer up to several times their annual salary. Said deceased purchased the additional coverage for four times his annual salary death benefit as shown on Exhibit "B" attached hereto.

VII.

In addition, the life insurance policy provided that if disabled, the life insurance would be continued at no cost to the employee. That is confirmed by a letter sent by Quebecor World to said deceased on June 29, 2006, a copy of which is attached hereto as Exhibit "C". Upon the death of said deceased, Pam, the named beneficiary of the policy of said deceased, made application for the life insurance proceeds afforded by the policy and through Defendants, but was ultimately paid only 100% of his annual salary or \$26,000.00. At one time, the company advised Pam that she would

be receiving \$100,000.00, the least that she was entitled to, but later changed their mind for reasons unknown to Pam.

DAMAGES

VIII.

The policy is clear and the documents show that at the time of his disability said deceased was paying for life insurance which would afford benefits of four times his wages, but Defendants have failed and refused to pay said sum. The conduct of Defendants in failing to pay that which they clearly owe is so egregious that Pam is entitled to punitive damages as well as the damages to which she is entitled under said deceased's policy of life insurance.

WHEREFORE, PREMISES CONSIDERED, Pam files this her Complaint and demands Judgment against the Defendants in an amount the Court determines she is entitled to under the policy, actual damages in the amount of \$104,000.00 and punitive damages in an amount consistent with applicable Mississippi law, prejudgment interest and all costs of this action as well as her attorney's fees.

Respectfully submitted,

FERRELL & MARTIN, P.A.
POST OFFICE BOX 146
BOONEVILLE, MISSISSIPPI 38829
TELEPHONE (662) 728-5361
MISSISSIPPI BAR NO. 5181

BY: _____

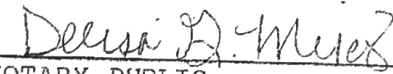

John A. Ferrell

STATE OF MISSISSIPPI
COUNTY OF PRENTISS

PERSONALLY appeared before me, the undersigned authority in and for said State and County, the within named **PAM JOHNSTON**, who, having been by me first duly sworn states on oath that the averments and statements of fact contained in the above and foregoing COMPLAINT are true and correct as therein stated.


PAM JOHNSTON

SWORN TO AND SUBSCRIBED before me, this the 21st day of April, 2021.


NOTARY PUBLIC

My commission expires:



F0015

2016212077

Fee: \$ 25



DELBERT HOSEMANN
Secretary of State

Business ID: 952204
Filed: 08/10/2016 09:50 AM
C. Delbert Hosemann, Jr.
Secretary of State

P.O. BOX 136
JACKSON, MS 39205-0136

TELEPHONE: (601) 359-1633

Certificate of Withdrawal

Withdrawal Details

Business ID: 952204 **Business Name:** Quad/Graphics Printing Corp.
Business Type: Profit Corporation
Business Email: sandra.charlton@qg.com
State of Incorporation: DE
Mailing Address: N61W23044 Harry's Way
Sussex, WI 53089

This company is not transacting business in Mississippi and hereby surrenders its authority to transact business in the state. The company revokes the authority of its registered agent in Mississippi to accept service of process on its behalf and appoints the Mississippi Secretary of State as its agent for service of process in any processing based upon any cause of action arising during the time it was authorized to transact business in the state of Mississippi.

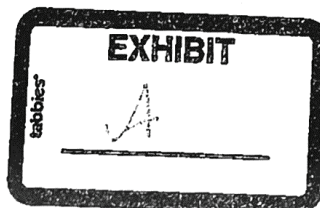
This company hereby makes a commitment to notify the Secretary of State in the future of any change in the mailing address given above.

Signature

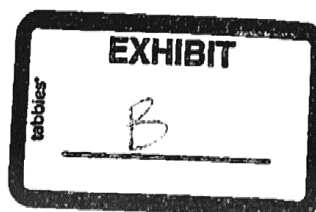
By entering my name in the space provided, I certify that I am authorized to file this document on behalf of this entity, have examined the document and, to the best of my knowledge and belief, it is true, correct and complete as of this day **08/10/2016**.

Name:
Quad/Graphics Holding Company
Assistant Secretary

Address:
N61W23044 Harry's Way
Sussex, WI 53089



EMPLOYEE ID	EMPLOYEE INFORMATION			S.S.#	CHECK NO.	PERIOD ENDING	PAYMENT DATE		
426062090 541421	JOHNSTON, RICKEY L THE MILL, 340 PEMBERWICK ROAD GREENWICH, CT 06831			426-06-2090	09112892	8/20/00	8/24/00		
EARNINGS				TAXES AND DEDUCTIONS					
DESC	HOURS	CURRENT	YTD	DESC	CURRENT	YTD	DESC	CURRENT	YTD
HOLIDAY			596.60	DENTAL	5.45	185.30			
OTPRM1.5			907.72	FIT W/H	34.10	1,481.00			
OTSTR1.5			1,815.45	LTD	1.43	48.62			
REGULAR	36.00	461.88	13,238.77	401(K)	46.19	1,452.02			
RETRO			42.84	401 LOAN	73.59	1,316.43			
TRAINING			25.66	LIFE 4X	4.99	169.66			
VACATION			615.84	DEP LIFE	.35	11.90			
				AD&D-4X	.35	11.90			
				DEPADD4X	.22	7.48			
				MEDICAL	24.25	824.50			
				MEDICARE	6.27	235.38			
				MS W/H	8.00	384.00			
				SS - EE	26.79	1,006.45			
				VAMCO		1,380.00			
TOTAL HOURS	BASE RATE	CURRENT GROSS	CURRENT TAXABLE GROSS	CURRENT TAXES & DEDUCTIONS	CURRENT NET PAY				
36.00	\$12.43	\$461.88	\$385.99	\$231.98	\$229.90				
W-4 FILING STATUS		YTD CURRENT GROSS	YTD TAXABLE GROSS	YTD TAXES & DEDUCTIONS	YTD NET PAY				
FEDERAL	WORK STATE								
S-02	S-01	\$17,242.88	\$14,781.06	\$8,514.64	\$8,728.24				
WORLD COLOR STATEMENT OF EARNINGS AND DEDUCTIONS - DETACH AND KEEP THIS STUB FOR YOUR RECORDS									





Quebecor World

June 29, 2006

RICKEY JOHNSTON
P.O. Box 2605
Corinth, MS 38835

Dear RICKEY,

As a result of your disability status, your life insurance has been continued by Quebecor World at no cost to you. This coverage will remain in effect until the earlier of the date you no longer receive disability benefits or you reach age 65. The coverage continuation is based on your meeting the long term disability insurance company's requirements for being totally disabled.

You became eligible for this benefit because you became totally disabled as an active, full-time employee, before age 60.

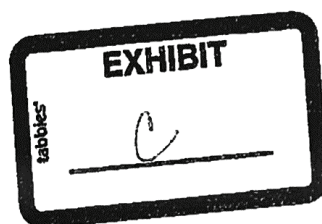
From time to time, the company and/or the life insurance company may require that you submit proof of your continuing disability. The insurance company has the right to examine you, at its expense, before approving/continuing coverage.

If you have any questions or concerns, please contact your local Human Resources Department.

Sincerely,

Ann Edwards

Corporate Benefits



Quebecor World Corporate Benefits
420 W. Industrial Ave